

## Attachment E: Draft Amendment Creating Design Examiner position

### ARTICLE V. ADMINISTRATION

#### DIVISION 1. POWERS AND DUTIES

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**5.1.12 Design Examiner (DE).** The Design Examiner (DE) is established to review proposed buildings, structures, landscaping, architectural features, of proposed subdivisions, development plans, and site plans as set forth in the *Land Use Code (LUC)*, Sec. 23 of the Tucson Code and in the Development Compliance Code, Sec. 23A of the Tucson Code.

##### 5.1.12.1 Appointment and Qualifications

- A. The City Manager shall recommend a candidate(s) for the position of DE. The Mayor and Council shall appoint the DE.
- B. *Qualifications.* The DE shall be one of the following:
  - 1. a registered architect; or,
  - 2. a registered landscape architect

##### 5.1.12.2 Powers and Duties.

- A. *Flexible Lot Development (FLD) Projects.* The DE shall review FLD projects for compliance with, but not limited to, Sections 3.6.1.5.C.4 (Configuration and Location of Common Open Space), 3.6.1.6.A.1 (Transition Edge Treatment), and 3.6.1.6.D.2 (Modifications to Street Perimeter Yard Setbacks). The DE will forward a recommendation to the Director of the Development Services Department. The Director shall take into account the recommendations of the DE in the considering approval of the FLD project proposal.
- B. *Architectural Design Plans.* The DE shall review architectural design plans for compliance with 3.6.1.7.B (Architectural Design requirements) of the LUC. The DE will forward a recommendation to the Director of the Development Services Department. The Director shall take into account the recommendations of the DE in the considering approval of the FLD project proposal.
- C. *Privacy Mitigation Plans.* The DE shall conduct public hearings on and consider approval of privacy mitigation plans required by Section 3.6.1.6.A (Privacy Mitigation Plan) of the LUC and Development Standard 2-10.3.2.C.

Privacy mitigation plans shall be reviewed in accordance with procedures as set forth in Development Compliance Code, Chapter 23A-35.3 and 23A-35.8.

- D. *Findings for Approval of Privacy Mitigation Plans.* The DE may grant approval a privacy mitigation plan only if it finds that approval of the plan:
1. Does not grant variances to the development criteria established in Section 3.6.1 (Flexible Lot Development) and other sections of the Land Use Code where applicable; and
  2. Will not be detrimental to public health and safety; and
  3. Will not impair an adequate supply of light and air to adjoining properties; and
  4. Will not create a nuisance to surrounding properties.
- E. *Conditions.* The DE may impose conditions on the approval of an FLD to ensure that the design of the FLD mitigates the impact of the FLD and provides suitable transitions to the adjoining existing residential developments.
- F. *Other Responsibilities.* The DE shall perform such other functions as may be required by the *Land Use Code (LUC)*.

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